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7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,	)	No. CR-07-0335 SI
	)	
12 Plaintiff,	)	<b>STIPULATION AND [PROPOSED]</b>
	)	<b>ORDER TO VACATE HEARING ON</b>
13 v.	)	<b>DEFENDANT'S MOTION TO DISMISS</b>
	)	<b>AND SET MATTER FOR CHANGE OF</b>
14 MARTIN SIMON,	)	<b>PLEA</b>
	)	
15 Defendant.	)	
_____	)	
16		

17 Now pending before the Court is defendant's motion to dismiss. The government has  
18 agreed to file its opposition on or before August 31, 2007, and the Court has scheduled a hearing  
19 on defendant's motion for September 14, 2007.

20 The parties have reached a tentative resolution to the case. Accordingly, the parties agree  
21 and stipulate that the hearing on defendant's motion should be vacated, and the matter set for  
22 change of plea on September 14, 2007. The parties further agree and stipulate that the

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1 government shall file no opposition to defendant's motion at this time.

2 IT IS SO STIPULATED.

3 Dated: 8/28/07

/s/

BARRY J. PORTMAN  
Federal Public Defender  
JOSH COHEN  
Assistant Federal Public Defender

6 Dated: 8/28/07

/s/

SCOTT N. SCHOOLS  
United States Attorney  
ALLISON DANNER  
Assistant United States Attorney

10 **ORDER**

11 Accordingly, and for good cause shown, the motions hearing on September 14, 2007 is  
12 hereby vacated. The parties are directed to appear on September 14, 2007 at 11:00 a.m. for  
13 change of plea. The briefing schedule on defendant's motion shall be suspended pending change  
14 of plea.

15 IT IS SO ORDERED.

16 Dated:

SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE